

031704  
17691 U.S. PTO

PATENT  
ATTORNEY DOCKET NO.: 040894-7012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
MAIL STOP PATENT APPLICATION

22859 U.S. PTO  
10/801549  
031704

TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION  
UNDER 37 C.F.R. §1.53(b)

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventor: Akitaka SHIMIZU

For: **OPTICAL DISK APPARATUS**

1. This is a new ☒ Utility ☐ Design ☐ Plant patent application.

2. The papers enclosed to obtain a filing date are as follows:

31 Pages of Specification including:

0 Title Page

23 Pages of Description

7 Pages of Claims

1 Page of Abstract

5 Sheets of drawings containing 10 Figures

☐ The enclosed drawings are photographs, and there is also attached a  
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney

☒ Enclosed and is executed by all inventors  
☐ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of  
the time set for filing the Declaration and paying the filing fees.

## 4. Language

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English

☐

Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

## 5. Assignment

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An assignment of the invention to **FUNAI ELECTRIC CO., LTD.** and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

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An assignment will be filed at a later date.

## 6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application is claimed:

| Country | Application No. | Filed          |
|---------|-----------------|----------------|
| Japan   | 2003-073426     | March 18, 2003 |
|         |                 |                |

Certified copy: ☒ is attached. ☐ will follow.

## 7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☐ Priority of the following provisional application(s) is claimed:

| Application No. | Filed |
|-----------------|-------|
|                 |       |
|                 |       |

## A. Relate Back - 35 U.S.C. §119(e)

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Attached is a Preliminary Amendment amending the specification by inserting before the first line the sentence: "This application claims priority of copending provisional application(s) No. \_\_\_\_\_ filed on \_\_\_\_\_."

## 8. Small entity status

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Applicant(s) hereby assert(s) small entity status under 37 C.F.R. § 1.27.

## 9. Fee Calculation (37 C.F.R. §1.16)

|  | Number Filed | Number Extra | at Rate of                | Basic Fee<br>Utility \$770.00<br>Design \$340.00 |
|--|--------------|--------------|---------------------------|--|
|  |              |              | BASIC FEE                 | 770.00   |
| Total Claims<br>(37 C.F.R. §1.16(c))                     | 13 - 20 =    | 0            | 18.00                     | 0.00   |
| Independent Claims<br>(37 C.F.R. §1.16(b))               | 3 - 3 =      | 0            | 86.00                     | 0.00   |
| Multiple dependent claim(s), if any (37 C.F.R. §1.16(d)) |              |              | 290.00                    | 0.00   |
|  |              |              | <b>SUB-TOTAL =</b>        | <b>770.00</b>                                    |
| Reduction by 1/2 for filing by a small entity            |              |              |                           |  |
|  |              |              | <b>SUB-TOTAL =</b>        | <b>770.00</b>                                    |
| Assignment Recordation Fee                               |              |              | \$40.00                   | 40.00  |
|  |              |              | <b>TOTAL FILING FEE =</b> | <b>\$810.00</b>                                  |

## 10. Fee Payment

- ☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

- ☒ Please charge Deposit Account No. 50-0310 in the amount of **\$810.00** representing the basic filing fee of \$770.00 and an assignment recording fee of \$40.00.

11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

12. Additional papers enclosed:

- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449, 1 document included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

**Please accord this application an application number and filing date.**

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Robert J. Goodell Reg. No. 41,040

Dated: March 17, 2004

**Customer No. 09629**

**MORGAN, LEWIS & BOCKIUS LLP**

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